

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: NICOR ENERGY, L.L.C.	DOCKET NO. SR-99-2 (TF-98-113)
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**ORDER DENYING MOTION TO DISMISS
AND REVIEWING TARIFF COMPLIANCE**

(Issued June 7, 1999)

On May 4, 1999, Nicor Energy, L.L.C.(Nicor) filed with the Utilities Board (Board) a portion of the supplier registration information required under the terms of MidAmerican Energy Company's (MidAmerican) tariff to participate in its Extended Market Access Service (EMAS) pilot program. Nicor said more material would be filed at a later date. On May 14, 1999, the Consumer Advocate Division of the Department of Justice (Consumer Advocate) filed a motion to reject Nicor's filing because it was not served with a copy of Nicor's filing. Consumer Advocate also noted Nicor did not supply all the information required under the terms of MidAmerican's tariff and that Nicor should not be allowed to become a pilot supplier until all required information is filed.

IOWA CODE § 475A.5 (1999) provides that Consumer Advocate is entitled to service "of all documents required by statute or rule to be served on parties in proceedings before the utilities board and all notices, petitions, applications, complaints, answers, motions, and other pleadings filed pursuant to statute or rule with the board." Nicor's filing, however, is not made pursuant to statute or rule but is made pursuant to MidAmerican's tariff requirements. The Board gives the filing "SR"

(Supplier Registration) docket designation but does not review the filing for compliance with any statute or rule and does not ultimately approve or reject suppliers or suppliers' filings. The Board reviews the supplier registration filings and offers its opinion on compliance with the supplier registration requirements listed on Sheet R-2 of MidAmerican's EMAS tariff. See, MidAmerican Energy Company, "Order Granting Request for Confidentiality, Requiring Notification, and Accepting Compliance," Docket No. SR-99-1 (TF-98-113), April 13, 1999. The ultimate decision on whether or not to accept or reject a supplier is made by MidAmerican.

Consumer Advocate in its motion said it obtained a copy of Nicor's filing from the Board's Records Center. Because statute or rule does not require Nicor's filing and Consumer Advocate was able to obtain a copy of the filing, the Board will reject the motion to dismiss. However, it is vital Consumer Advocate receive timely copies of supplier registration materials. Therefore, the Board asks that MidAmerican amend its EMAS supplier registration requirements to require that suppliers provide Consumer Advocate a copy of their registration materials filed with the Board. Nicor has also indicated to the Board's staff it will provide Consumer Advocate with a copy of any subsequent filings.

The Board has reviewed the supplier registration information filed by Nicor. The Board's review indicates the filing fails to comply with the EMAS tariff in several respects. The deficiencies include: evidence of FERC registration and qualifications, or an explanation why none is required; services and pricing plans initially offered; billing formats to be used; sufficient evidence Nicor is capable of providing service, such as a written acknowledgement from MidAmerican; copies of

initial marketing literature and brochures; and evidence Nicor accepts responsibility for reporting customer loads served to a NERC Regional Reliability Council. Nicor apparently recognized its initial filing was not complete because it said additional information would be filed at a later date.

Consumer Advocate also noted Nicor failed to provide articles of incorporation as required by the tariff. Because Nicor is apparently a limited liability company rather than a corporation, it appears this tariff requirement does not apply.

IT IS THEREFORE ORDERED:

1. The motion to reject Nicor Energy's supplier registration information filing submitted by the Consumer Advocate Division of the Department of Justice on May 14, 1999, is denied.

2. Nicor Energy does not yet comply with the supplier registration requirements contained in Sheet R-2 of MidAmerican Energy Company's EMAS tariff and should supplement its filing to correct the deficiencies.

UTILITIES BOARD

/s/ Allan T. Thoms

/s/ Susan J. Frye

ATTEST:

/s/ Judi K. Cooper
Executive Secretary, Deputy

Dated at Des Moines, Iowa, this 7th day of June, 1999.